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January 17, 2020

Via ECF

Hon. Judge James Donato
United States District Court
450 Golden Gate Avenue
Courtroom 11, 19th Floor
San Francisco, CA 94102-3489

Re: In re Capacitors Antitrust Litigation, Nos. 17-md-2801, 14-cv-3264

Your Honor:

The Class requests a hearing regarding scheduling issues which have arisen in connection with the Court's Order re Fifth Amendment Assertions. Dkt. 1076. In particular, the Class is attempting to schedule the deposition of Noriaki Kakizaki (NCC) for January 22, 2020.

Yesterday morning, January 16, 2020, I wrote to Mr. Bial (counsel for NCC) asking him to produce the witness in San Francisco on January 22, 2020. This morning I received email communication from Mr. Bial (counsel for NCC) not agreeing to the date and instead proposing other dates the following week. The stated rationale is that the dates are inconvenient for the witness, including because of a doctor's appointment. I have told Mr. Bial we would like to proceed on January 22 as indicated yesterday and reiterated our request. I have asked for any other information relevant to the scheduling issues but I have not received any.

While we are of course respectful of any preexisting conditions or obligations, and the privacy of the witness, the proposed alternative dates are not convenient to the Class. Mr. Williams and myself have other conflicting trial preparation obligations scheduled in this case, including arrangements with experts and other trial witnesses. I have raised this with counsel for the witness to no avail. Given the press of other matters, it is our preference to proceed with this deposition without delay to minimize disruption to our trial preparation and to

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determine the impact of the testimony. The Class has previously travelled to Hong Kong to take Mr. Kakizaki's deposition where he refused to testify invoking the Fifth Amendment. This scheduling disagreement regarding the deposition shifts the burden to the Class.

We request that the Court order that Mr. Kakizaki appear to testify at a deposition in San Francisco on January 22, 2020 at 9:30 am.

We are available to appear in person or by telephone to address any questions or concerns the Court may have).

Respectfully,

/s/ Joseph R. Saveri

Joseph R. Saveri

cc: All Counsel (by ECF)